

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTON SLAUGHTER, SR.,

Plaintiff,

Case No. 24-cv-59-pp

v.

CAPITAL ONE N.A.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTIONS TO PROCEED WITHOUT
PREPAYING FILING FEE (DKT. NOS. 2, 7)**

On January 16, 2024, the plaintiff—who is representing himself—filed a complaint, alleging that the defendant, Capital One N.A., “knowing[ly] and intentionally conspired to deprive [him] of [his] preexisting rights protected by [certain federal statutes].” Dkt. No. 1. He also filed a motion to proceed without prepaying the filing fee. Dkt. No. 2.

On August 15, 2024, the court reviewed the motion to proceed without prepaying the filing fee and determined that it did not provide enough information for the court to decide whether the plaintiff could afford to pay the fee. Dkt. No. 6 at 1. The court ordered the plaintiff to file an amended motion addressing the deficiencies identified by the court, and gave him a deadline of the end of the day on September 6, 2024 by which to do so. Id. at 3. The plaintiff filed his amended motion on September 9, 2024. Dkt. No. 7.

To allow a plaintiff to proceed without prepaying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must screen the complaint to determine whether the lawsuit is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The plaintiff's amended request does not address the deficiencies the court identified in his original request. The plaintiff says that he is not employed, he is not married and his spouse is not employed. Dkt. No. 7 at 1. He checked the "yes" box when asked whether he has dependents he is responsible for supporting but did not list the dependents or the amount of support he provides for them (as required by the form). Id. The plaintiff says he has no income, no expenses, does not own a car or his home and when asked whether he has any cash on hand or in a checking, savings or similar account and whether he has any other property of value, he checked the "no" boxes and wrote "4th Amendment." Id. at 2-4. The plaintiff says, "12 U.S.C. 411 Explains how all debts belong to the U.S. this issue should be Pro Bono pursuant to Art. 1 Section 8+10 of the U.S. Constitution and according to the Constitution a fee and a debt are the same, no one can be asked to pay any fee or debt in United States dollars unless they agree. USD as federal Reserve Note is not back by Gold or Silver in accordance with the Constitution Article 1 Section 8." Id. at 4.

Section 411 of Title 12 authorizes the Federal Reserve to issue federal reserve notes to federal reserve banks. Section 8 of Article I to the Constitution gives Congress the power to impose and collect taxes and to pay government

debts. Section 10 of Article I limits the power of states to engage in certain activities, including entering into treaties with other states and engaging in war. None of these provisions apply in this case or relieve the plaintiff of the obligation to provide the court with full and complete information about his financial situation if he wants the court to allow him to proceed without prepaying the filing fee. The plaintiff has not complied with the court's previous order to address the deficiencies in his original motion; the court will deny the plaintiff's motion to proceed without prepaying the filing fee and will require him to pay the filing fee by the deadline the court sets below.

The court **DENIES** the plaintiff's motions to proceed without prepaying the filing fee. Dkt. Nos. 2, 7.

The court **ORDERS** that the plaintiff must pay the full \$405 filing fee in time for the court to *receive it* by the end of the day on **October 4, 2024**. If the clerk's office does not receive the full filing fee by the end of the day on October 4, 2024, the court will dismiss this case for the plaintiff's failure to pay the filing fee and his failure to comply with the court's orders.

Dated in Milwaukee, Wisconsin this 13th day of September, 2024.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge